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REMARKS

The Office Action dated 8 September 2005 has been reviewed, and the comments of the Patent Office considered. Claims 2 and 3 have been rewritten in independent form, and claims 1 and 4-10 remain as originally filed. Thus, claims 1-10, are pending and are respectfully submitted for reconsideration by the Examiner.

Paragraph 0002 of the specification as originally filed has been amended to update the status of the related co-pending U.S. Utility Application numbers. Additionally, paragraph 0002 has been amended to include and update the status of the related co-pending U.S. Utility Application numbers that were originally identified by title and attorney docket number in originally filed paragraph 0003, which has been deleted. No new matter has been added. As such, it is respectfully submitted that the objection to the disclosure should be withdrawn.

The indication that claims 2-8 contain allowable subject matter is greatly appreciated. In accordance with the Examiner's helpful suggestion, claims 2 and 3 have been rewritten in independent form. Claims 4-8 depend directly or indirectly from claim 3, and are therefore allowable for at least the same reasons, as well as for the additionally recited features that further distinguish over the applied prior art.

Claims 1, 9 and 10 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,089,081 to Cook et al. ("Cook"). These rejections are respectfully traversed in view of the following comments.

Claim 1 recites a method of rationalizing the functioning of a fuel vapor pressure management system including *inter alia* "counting a number of leak detection tests performed by the fuel vapor pressure management apparatus" and "counting a number of occurrences of the fuel vapor pressure management apparatus detecting an absence of a leak." Support for this combination of features may be found in Applicants' specification as originally filed at, for example, paragraphs 0061-0066 and Figure 4.

According to the Office Action, Cook's tank readings that are taken at time 1 and time 2 represent "a count of two." However, it is respectfully submitted that Cook taking tank readings at different times is not "counting" as recited in independent claim 1. Moreover, independent claim 1 recites two different "counting" steps, i.e., counting the numbers of leak detection tests performed and of occurrences of detecting an absence of a leak, and that Cook does not count

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different the numbers of different quantities. For at least these reasons, it is respectfully submitted that independent claim 1 is allowable over Cook, and that the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Claims 9 and 10 depend from independent claim 1 and are therefore also allowable for at least the same reasons, as well as for the additionally recited features that further distinguish over Cook. Therefore, it is respectfully submitted that the rejections under 35 U.S.C. § 102(b) of claims 9 and 10 should also be withdrawn.

There being no other objections or rejections, it is respectfully submitted that the present application is in condition for allowance, and early notification of such is earnestly solicited.

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CONCLUSION


Applicants submit that the pending claims are in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,

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